

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

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| DENNIS RICE and HAROLD MACARIOLA, |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 10-CV-0294-CVE-FHM BASE FILE |
| |) | |
| DOLLAR THRIFTY AUTOMOTIVE GROUP, INC., et al., |) | Consolidated with Case No. 10-CV-0311-CVE-FHM |
| |) | |
| Defendants. |) | |

ORDER

Now before the Court is “Defendants’ Motion for Leave to File Supplemental Brief in Opposition to Plaintiff’s Motion to Appoint Leadership Structure” (Dkt. # 42). Plaintiff Rice filed a complaint (Dkt. # 2) on May 7, 2010; plaintiff Macariola filed a complaint (Case No. 10-CV-0311-CVE-FHM Dkt. # 2) on May 18, 2010. On May 27, 2010,“Plaintiffs Rice and Macariola’s Motion to Consolidate all Related Shareholder Class Actions and Appoint a Leadership Structure for Plaintiffs, and Brief in Support” (Dkt. # 7) was filed by Rice and Macariola but in Rice’s case only. The motion requested consolidation of Case Nos.10-CV-0294-CVE-PJC and 10-CV-0311-CVE-PJC and “all related shareholder class actions [] filed in the United States District Court for the Northern District of Oklahoma” and appointment of plaintiffs’ attorneys as co-lead counsel for the consolidated actions. Dkt. # 7, at 1-2. Defendants filed a response (Dkt. # 18) on June 4, 2010. Plaintiffs filed a supplement to their motion (Dkt. # 19) on June 4, 2010.

Before the Court ruled on the motion to consolidate and appoint a leadership structure, Rice and Macariola filed a Joint Amended Class Action Complaint (Dkt. # 32), adding new claims on June 11, 2010. On June 17, 2010, the Court entered an Order (Dkt. # 35) consolidating the two cases and keeping the remainder of plaintiffs' motion under advisement. Plaintiffs filed a reply brief regarding their motion to consolidate and appoint a leadership structure on June 18, 2010. Defendants filed Defendants' Motion to Dismiss the Amended Complaint, and Brief in Support (Dkt. # 38)¹ on June 21, 2010.

Defendants request leave to file a supplemental brief in opposition to plaintiffs' motion to consolidate and appoint a leadership structure because, they argue, the process for appointing a leadership structure is now governed by the Private Securities Litigation Reform Act, Pub. L. No. 104-67, 109 Stat. 737 (codified as amended in scattered sections of 15 U.S.C.) ("PLSRA") because of the new claims asserted in plaintiffs' amended complaint.

The Court will not consider class certification and structure issues before ruling on Defendants' Motion to Dismiss the Amended Complaint, and Brief in Support (Dkt. # 38). After ruling on the motion to dismiss, the Court will hold a status hearing during which the procedure for moving forward with class certification and a appointment of a leadership structure will be discussed, if appropriate.

¹ Defendants argue that the amended complaint should be dismissed for lack of jurisdiction or for failure to state a claim, and that plaintiffs' state law claims should be dismissed in favor of other prior pending proceedings. See Dkt. # 38.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss the Amended Complaint, and Brief in Support (Dkt. # 38) **remains under advisement** until fully briefed.

IT IS FURTHER ORDERED that Plaintiffs Rice and Macariola's Motion to Consolidate All Related Shareholder Class Actions and Appoint a Leadership Structure for Plaintiffs, and Brief in Support (Dkt. # 7) and "Defendants' Motion for Leave to File Supplemental Brief in Opposition to Plaintiff's Motion to Appoint Leadership Structure" (Dkt. # 42) **remain under advisement** until after ruling on the motion to dismiss.

DATED this 24th day of June, 2010.


CLAIRES V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT